

**From:** [Douglas.Conde@deq.idaho.gov](mailto:Douglas.Conde@deq.idaho.gov)  
**To:** [Weber, Courtney](#)  
**Subject:** RE: criminal negligence standard  
**Date:** Monday, August 08, 2016 1:53:06 PM

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Something in writing from EPA saying that this is required, and explaining EPA's interpretation of the CFR. DMC

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**From:** Weber, Courtney [<mailto:Weber.Courtney@epa.gov>]  
**Sent:** Monday, August 08, 2016 1:37 PM  
**To:** Douglas Conde  
**Subject:** RE: criminal negligence standard

I'll talk to the HQ folks about this request. I'm not sure they would want to release any of the internal analyses that have been written. Would it help to receive a letter from EPA that sets forth the position?

Also, just FYI, I just started a 120-day detail as Acting Deputy Regional Counsel; however, this is one of the only cases that I'll be keeping during this time period (I'm keeping Twin Falls too). Just wanted to give you a heads up because I may sound a little frazzled during this time.

--Courtney

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**From:** [Douglas.Conde@deq.idaho.gov](mailto:Douglas.Conde@deq.idaho.gov) [<mailto:Douglas.Conde@deq.idaho.gov>]  
**Sent:** Monday, August 08, 2016 12:00 PM  
**To:** Weber, Courtney <[Weber.Courtney@epa.gov](mailto:Weber.Courtney@epa.gov)>  
**Subject:** criminal negligence standard

Courtney, in order to go back to the legislature on this issue, we need some explanation of the requirement, because on its face, the CFR provides that a gross negligence standard satisfies the requirements. Maybe the HQ folks have some legal analysis regarding this issue? That would be helpful because I will have to explain that this is required and does not go beyond federal requirements. DMC